



# AQUACULTURE LAW DIGEST

This digest provides only general information on aquaculture laws. The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) contain complete details of these regulations and are available for review online at <http://codes.ohio.gov>. Regulations may be changed by the legislature and/or the Chief of the Division of Wildlife with the approval of the Wildlife Council.

"Aquaculture" means a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including but not limited to, for the purpose of sale for consumption as food.

"Aquaculture species" means any aquatic species that may be raised through aquaculture that is either a Class A aquaculture species or a Class B aquaculture species.

An Aquaculture permit may be issued upon application to any person who satisfies the Chief that the person owns or leases an aquaculture production facility. The aquaculture permits shall be classified as either Class A or Class B. The Class A permit shall be required for all Class A Aquaculture Species as specified in this document or designated by administrative rule as a Class A Aquaculture Species. Class B permits shall be issued on a case-by-case basis for all Class B Aquaculture Species as specified in this document or designated by administrative rule as a Class B Aquaculture Species. In determining whether to issue a Class B permit, the ODNR Division of Wildlife Chief shall take into account the species for which the Class B permit is requested, the location of the aquaculture production facility, and any other information determined by the Chief to be necessary to protect the wildlife and natural resources of this state.

The Chief may revoke an aquaculture permit from a permit holder who has violated any wildlife rule.

## PERMIT PROCESS

Aquaculture permits (Class A and B), Bait Dealer/Collector permits, Fish Transportation and Wholesale permits, and White Amur permits are issued annually by the Division of Wildlife through its district and Lake Erie offices. Applications may be obtained online at <http://wildlife.ohiodnr.gov> or from the Division of Wildlife district or Lake Erie offices listed at the end of this document.

Each applicant for an aquaculture permit must submit a completed application form provided by the Division of Wildlife which includes the name and owner of the aquaculture production facility, class of aquaculture permit requested, the American Fisheries Society's (AFS) common and scientific names of each fish species to be produced, and the location by state, county, and street address of the aquaculture production facility. Please do not cut and paste the entire list of species, either Class A or Class B, listed in this document. Instead, list actual species being cultured and reared on site for that permit year.

It is unlawful for any person engaged in aquaculture to rear or propagate aquatic species in waters other than those under private control including any body of water that would allow egress of the fish into public waters or waters of the state. Commercial fish length limits do not apply to aquatic species produced and sold under an aquaculture permit.

## PERMITS AVAILABLE

**Class A Aquaculture Permit:** Fill out the Class A Aquaculture Permit section of the Aquaculture Permit Application (DNR 9131). List the AFS common and scientific names of the species you are raising. Be sure to indicate which additional permits you would like to receive, if any. List the total cost, attach a check payable to ODNR Division of Wildlife for that amount, sign the application, and send these materials to your nearest Division of Wildlife district office. Following review and processing, you will receive your permit(s) in the mail.

## REGULATIONS FOR CLASS A AQUACULTURE

### Class A Aquaculture Permits (\$50.00 annual fee)

(A) It is unlawful for any person possessing a Class A aquaculture permit to possess, buy, and sell any aquatic species for the purpose of aquaculture, except the following Class A Aquaculture Species:

- (1) Alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), Atlantic salmon (*Salmo salar*), bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus niger*), black bullhead (*Ameiurus melas*), black crappie (*Pomoxis nigromaculatus*), black redhorse (*Moxostoma duquesnei*), blackstripe topminnow (*Fundulus notatus*), bluegill (*Lepomis macrochirus*), bluntnose minnow (*Pimephales notatus*), bowfin (*Amia calva*), brook stickleback (*Culaea inconstans*), brook trout (*Salvelinus fontinalis*), brown bullhead (*Ameiurus nebulosus*), brown trout (*Salmo trutta*), burbot (*Lota lota*), central mudminnow (*Umbra limi*), chain pickerel (*Esox niger*), channel catfish (*Ictalurus punctatus*), chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), common carp (*Cyprinus carpio*), common shiner (*Luxilus cornutus*), creek chub (*Semotilus atromaculatus*), creek chub sucker (*Erimyzon oblongus*), cutthroat trout (*Oncorhynchus clarkii*), emerald shiner (*Notropis atherinoides*), fathead minnow (*Pimephales promelas*), flathead catfish (*Pylodictis olivaris*), freshwater drum (*Aplodinotus grunniens*), gizzard shad (*Dorosoma*

cepedianum), golden redhorse (*Moxostoma erythrurum*), golden shiner (*Notemigonus crysoleucas*), goldfish (*Carassius auratus*), grass pickerel (*Esox americanus*), greater redhorse (*Moxostoma valenciennesi*), green sunfish (*Lepomis cyanellus*), highfin carpsucker (*Carpionodes velifer*), Iowa darter (*Etheostoma exile*), lake chubsucker (*Erimyzon sucetta*), lake trout (*Salvelinus namaycush*), lake whitefish (*Coregonus clupeaformis*), largemouth bass (*Micropterus salmoides*), least darter (*Etheostoma microperca*), longear sunfish (*Lepomis megalotis*), longnose gar (*Lepisosteus osseus*), mooneye (*Hiodon tergisus*), muskellunge (*Esox masquinongy*), Northern hog sucker (*Hypentelium nigricans*), Northern pike (*Esox lucius*), orangespotted sunfish (*Lepomis humilis*), pumpkinseed (*Lepomis gibbosus*), quillback (*Carpionodes cyprinus*), rainbow smelt (*Osmerus mordax*), rainbow trout (*Oncorhynchus mykiss*), redear sunfish (*Lepomis microlophus*), redbfin shiner (*Notropis umbratilis cyanocephalus*), river carpsucker (*Carpionodes carpio*), river redhorse (*Moxostoma carinatum*), rock bass (*Ambloplites rupestris*), sauger (*Sander canadensis*), scarlet shiner (*Lythrurus fasciolaris*), shorthead redhorse (*Moxostoma macrolepidotum*), silver redhorse (*Moxostoma anisurum*), silver shiner (*Notropis photogenis*), smallmouth bass (*Micropterus dolomieu*), smallmouth buffalo (*Ictiobus bubalus*), spotfin shiner (*Cyprinella spiloptera*), spottail shiner (*Notropis hudsonius*), spotted bass (*Micropterus punctulatus*), spotted sucker (*Minytrema melanops*), steelcolor shiner (*Cyprinella whipplei*), tilapia (*Tilapia* spp. or *Oreochromis* spp.), walleye (*Sander vitreus vitreus*), warmouth (*Lepomis gulosus*), Western mosquitofish (*Gambusia affinis*), white bass (*Morone chrysops*), white crappie (*Pomoxis annularis*), white sturgeon (*Acipenser transmontanus*), white sucker (*Catostomus commersoni*), yellow bullhead (*Ameiurus natalis*), yellow perch (*Perca flavescens*), papershell crayfish (*Orconectes immunis*), rusty crayfish (*Orconectes rusticus*), white river crayfish (*Procambarus acutus*), and the following snails: (*Physella gyrina*), (*Physella integra*), (*Planorbella trivolvis*), (*Helisoma anceps*), (*Ferrissia rivularis*), (*Campeloma decisum*), (*Elimia livescens*), (*Stagnicola elodes*).

- (2) The following species outside of the Lake Erie drainage basin: white bass X striped bass hybrid (*Morone chrysops* X *Morone saxatilis*), striped bass (*Morone saxatilis*), sauger X walleye hybrid (*Sander canadensis* X *Sander vitreus*), blue catfish X channel catfish hybrid (*Ictalurus furcatus* X *Ictalurus punctatus*), threadfin shad (*Dorosoma petenense*), shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), paddlefish (*Polyodon spathula*), shortnose gar (*Lepisosteus platostomus*), skipjack herring (*Alosa chrysochloris*), and blue catfish (*Ictalurus furcatus*).
- (3) The following species outside the Ohio River drainage basin: cisco or lake herring (*Coregonus artedii*).
- (4) The following species outside the Grand River and Chagrin River drainage basins: brook trout (*Salvelinus fontinalis*).

- (5) The following species when naturally occurring within the watershed of the aquaculture facility according to Thoma, R.F., and R.F. Jezerinac, 2000, Ohio Crayfish Shrimp Atlas. Ohio Biological Survey Miscellaneous Contributors No. 7: Allegheny crayfish (*Orconectes obscurus*), Sanborn's crayfish (*Orconectes sanbornii*), Northern clearwater crayfish (*Orconectes propinquus*), Northern crayfish (*Orconectes virilis*), spiny stream crayfish (*Orconectes cristavarius*), rock crawfish (*Cambarus carinirostris*), Ortman's mudbug (*Cambarus ortmanni*), Teays River crayfish (*Cambarus sciotensis*), Ohio crawfish (*Cambarus* sp.), big water crayfish (*Cambarus robustus*), great plains mudbug (*Cambarus* sp.), paintedhand mudbug (*Cambarus* sp.), digger crayfish (*Fallicambarus fodiens*), Sloan's crayfish (*Orconectes sloanii*).

**Class B Aquaculture Permit:** Fill out the Class B Aquaculture Permit section of the Aquaculture Permit Application (DNR 9131). List common and scientific names of the species you are raising. Be sure to check which additional permits you would like to receive, if any. List the total cost, attach a check payable to ODNR Division of Wildlife for that amount, sign the application, and send these materials to your nearest Division of Wildlife district office. All Class B aquaculture facilities must be inspected prior to the approval of their permit. You will be contacted by a State Fish Hatchery Superintendent to schedule your facility inspection. After a successful inspection, your permit application will be processed and you will be mailed your permit(s).

## REGULATIONS FOR CLASS B AQUACULTURE

### Class B Aquaculture permits (\$100.00 annual fee).

- (A) It is unlawful for any person to engage in the propagation, rearing, or sale of a Class B Aquaculture Species, as described in this section, for the purpose of aquaculture without first obtaining a Class B aquaculture permit. Note that species raised outside of the watersheds of concern listed below can be cultured under a Class A permit. For example, if hybrid striped bass are cultured outside the Lake Erie drainage basin, then they can be cultured under a Class A permit.
- (B) A Class B aquaculture permit shall not be issued unless the applicant has had the facility inspected by a representative of the Division of Wildlife, and the facility has been found to meet the following restrictions for each aquatic species listed on the application. Class B Aquaculture Species means:
  - (1) Barramundi (*Lates calcarifer*), trapdoor snail (*Viviparus* sp.), Melantho snail (*Lymnaea* sp.), red swamp crayfish (*Procambarus clarkii*), and Australian red claw crayfish (*Cherax quadricarinatus*).
  - (2) The following species within the Lake Erie drainage basin: white bass X striped bass hybrid (*Morone chrysops* X *Morone saxatilis*), striped bass (*Morone saxatilis*), sauger X walleye hybrid (*Sander canadensis* X *Sander vitreus*), blue catfish X channel catfish hybrid (*Ictalurus furcatus* X *Ictalurus punctatus*), threadfin shad (*Dorosoma petenense*), shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), paddlefish (*Polyodon spathula*), shortnose gar (*Lepisosteus platostomus*), skipjack herring (*Alosa chrysochloris*), and blue catfish (*Ictalurus furcatus*).

- (3) The following species within the Ohio River drainage basin: cisco or lake herring (*Coregonus artedii*).
- (4) The following species within the Grand River and Chagrin River drainage basins: brook trout (*Salvelinus fontinalis*).
- (5) The following species when the aquaculture facility is outside of the watershed where the species naturally occurs according to Thoma, R.F., and R.F. Jezerinac, 2000, Ohio Crayfish Shrimp Atlas. Ohio Biological Survey Miscellaneous Contributors No. 7: Allegheny crayfish (*Orconectes obscurus*), Sanborn's crayfish (*Orconectes sanbornii*), Northern Clearwater crayfish (*Orconectes propinquus*), Northern crayfish (*Orconectes virilis*), spiny stream crayfish (*Orconectes cristavarius*), rock crawfish (*Cambarus carinirostris*), Ortmann's mudbug (*Cambarus ortmanni*), Teays River crayfish (*Cambarus sciotoensis*), Ohio crawfish (*Cambarus* sp.), big water crayfish (*Cambarus robustus*), great plains mudbug (*Cambarus* sp.), paintedhand mudbug (*Cambarus* sp.), digger crayfish (*Fallicambarus fodiens*), Sloan's crayfish (*Orconectes sloanii*).

### UNCLASSIFIED SPECIES

It is unlawful for any person to possess, buy, or sell any species other than Class A or Class B Aquaculture Species, without first making a written request to the Chief of the ODNR, Division of Wildlife. The Chief may, after review of a written request from an individual, choose to classify a species as a Class A or Class B Aquaculture Species or deny an aquaculture permit for a prohibited or injurious species.

### SPECIES PROHIBITED TO POSSESS

As stated in OAC 1501:31-19-01(A): It shall be unlawful for any person to possess, import or sell live individuals of the following species: Amur Sleeper (*Percottus glenii*), Bighead Carp (*Hypophthalmichthys nobilis*), Bitterling (*Rhodeus sericeus*), Black Carp (*Mylopharyngodon piceus*), Crucian Carp (*Carassius carassius*), diploid Grass Carp/White Amur (*Ctenopharyngodon idella*), Eastern Banded Killifish (*Fundulus diaphanous*), Eurasian Minnow (*Phoxinus phoxinus*), European Perch (*Perca fluviatilis*), Ide (*Leuciscus idus*), Large-scale Silver Carp (*Hypophthalmichthys harmandi*), Nile Perch (*Lates niloticus*), Prussian Carp (*Carassius gibelio*), Roach (*Rutilus rutilus*), Round Goby (*Neogobius melanostomus*), Rudd (*Scardinius erythrophthalmus*), Ruffe (*Gymnocephalus cernuus*), Sea Lamprey (*Petromyzon marinus*), Silver Carp (*Hypophthalmichthys molitrix*), Snakeheads (*Channa* app. and *Parachanna* spp.), Stone Moroko (*Pseudorasbora parva*), Tench (*Tinca tinca*), Three Spine Stickleback (*Gasterosteus aculeatus*), Tubenose Goby (*Proterorhinus marmoratus*), Walking Catfish (*Claris batrachus*), Wels Catfish (*Silurus glanis*), White Perch (*Morone americana*), Zander (*Sander lucioperca*), Golden Mussel (*Limnoperna fortune*), Quagga Mussel (*Dreissena bugensis*), Zebra Mussel (*Dreissena polymorpha*), Chinese Mitten Crab (*Eriocheir sinensis*), Killer Shrimp (*Dikerogammarus villosus*), Marlon (*Cherax tenuimanus*), Yabby (*Cherax destructor*), or hybrid of any such species at any time.

### RECORD KEEPING

It shall be unlawful for any individual licensed under ORC 1533.632 to fail to keep accurate daily records of all transactions from inside or outside the state. Such records shall be for all sales or purchases of aquaculture species and shall include:

- (a) The type of species bought or sold;
- (b) The amount of species in gallons, numbers, or pounds;
- (c) The date of sale or purchase;
- (d) The name and address of the buyer and seller.

These records shall be available for inspection by any Division of Wildlife employee during reasonable hours. It shall be unlawful to fail to keep the records required by this rule for a period of less than two years.

### ADDITIONAL PERMITS

**White Amur Dealer Permit:** Fill out the "White Amur Dealer Permit" section of the Aquaculture Permit Application (DNR 9131). Sign the application and send to your nearest district office. After processing, you will receive your permit in the mail.

### WHITE AMUR DEALER PERMIT REGULATIONS (OAC 1501:31-19-01 – no annual fee)

It shall be unlawful for any person to import or sell triploid white amur within this state without first applying for and receiving written authorization from the Chief of the Division of Wildlife. It shall be unlawful to import or sell triploid white amur except in accordance with the specifications and limitations, as prescribed in the written authorization from the Chief. All rules and regulations in the ORC and OAC for possession, transportation, sale, or purchase of fish shall apply for triploid white amur.

Records, as required by the Chief of the Division of Wildlife, shall be maintained and open to inspection at all reasonable hours by wildlife officers or any designee of the Chief. Provided further, such officers may enter and inspect designated premises and any box, package, or receptacle and the contents for the purpose of determining whether any provision of the law is being violated.

Persons authorized by the Chief to import or sell triploid white amur shall import and/or sell only triploid white amur that are certified triploid by the U.S. Fish and Wildlife Service or other person or agency approved by the Chief, and shall retain for a period of not less than three years all records of sales of triploid white amur.

Persons authorized by the Chief to import or sell triploid white amur shall annually report in writing to the Chief of the Division of Wildlife, the total number of triploid white amur sold and the total number purchased during each month of the year for which authorization to import or sell triploid white amur has been given. Such report shall be due in the office of the Chief of the Division of Wildlife no later than January thirty-first of the year following the year being reported.

Persons authorized by the Chief to import or sell triploid white amur shall notify the Chief of the Division of Wildlife in writing of each sale of triploid white amur in excess of one hundred fish. Such notification shall identify the name and address of the purchaser, the date of the sale, and the number of triploid white amur sold. It shall be due in the office of the Chief within fifteen days of the sale.

ORC 1533.632 provides that a holder of an Aquaculture Permit may receive the following permits without payment of the annual fee: 1533.40 and 1533.57 (Bait Dealer and Collector Permit) and 1533.301 (Fish Transportation Permit).

**BAIT DEALER AND COLLECTOR PERMIT  
(ORC 1533.40 and 1533.57 - \$40.00 annual fee)**

ODNR Division of Wildlife Publication 5330 describes the provisions concerning bait collection and selling as found in Chapter 1533 of the Ohio Revised Code and Division of Wildlife regulations. Permit applications (DNR 8826) may be obtained online, or from district or Lake Erie offices and submitted with the Aquaculture Permit application or separately as an additional permit.

**FISH TRANSPORTATION PERMIT  
(ORC 1533.301 - \$65.00 annual fee)**

Fish Transportation permits are issued annually by the Division of Wildlife through its Lake Erie office, and permit applications (DNR 8983) may be obtained from and returned to the Lake Erie Fisheries & Enforcement Unit in Sandusky.

All persons transporting or causing to be transported 500 pounds or more, in one vehicle, of fish, except minnows or parts thereof held under a Bait Dealer & Collector Permit, into or out of Ohio, to another person who resells them must obtain an annual Fish Transportation Permit (See ODNR Division of Wildlife Publication 5002).

The requirements of the law as described under ORC 1533.301 apply to the transportation of aquaculture species. It shall be unlawful to transport an aquaculture species for which a transportation permit is required unless each box, package, or other receptacle bears a label showing the total weight in pounds, the species of the fish, the name of the consignor and consignee, the initial point of billing, the destination, and a statement that each species of fish by weight in the box, package, or other receptacle that are undersized under ORC 1533.63 or division rule is ten percent or less or is in excess of ten percent, whichever the fact may be. If fish are not boxed or packaged, each compartment of a tank or other receptacle shall be considered a separate receptacle, but in lieu of a label on the compartment or tank, a written statement containing the same information required to be contained on a label, and clearly identifying the tank or receptacle concerned, may be carried in the vehicle. Species may be designated in any manner, but the label also shall bear either the common name indicated in ORC 1533.63 or the scientific name contained in ORC 1531.01 or the common and scientific name of the aquaculture species as it appears on the aquaculture permit, and a statement that the contents are a product of aquaculture. The consignor shall ascertain that labels are attached or statements carried as required herein and that the facts stated thereon are true.

Live-fish haulers may, in lieu of a label on each compartment, carry in the vehicle a written statement containing the same information required on the label, identifying the contents of each compartment. Drivers of vehicles transporting fish must stop and allow inspection of the fish by any state wildlife officer or other officer having similar authority.

Transportation permit holders involved in transporting commercial fish should be familiar with Division of Wildlife regulations regarding commercial fish (see ODNR Wildlife Publication 5002). The vehicle transporting fish for which a transportation permit is required must have the word "Fish" in the English language at least eight inches high on each side of the vehicle body and it must remain legible at all times.

No person may buy, sell, offer for sale, or possess a fish caught or taken unlawfully. All fish brought into Ohio from another state or country are subject to the laws of Ohio.

**WHOLESALE PERMIT  
(ORC 1533.631 - \$65.00 annual fee)**

All persons handling fish at wholesale on premises in Ohio must obtain an annual permit to sell to re-sellers. Wholesale permits are issued annually by the Division of Wildlife through its Lake Erie office and applications (DNR 8983) may be obtained from and returned to the Lake Erie Fisheries & Enforcement Unit in Sandusky.

**OTHER RESTRICTIONS**

No person shall knowingly sell any aquatic species under an aquaculture permit that was not raised in an aquaculture production facility. In addition to any other penalties prescribed for violation of this provision, the Chief of the Division of Wildlife may revoke the permit of any person convicted of a violation of this provision for any period of time he considers necessary. It is unlawful for any person who does not hold a current, valid aquaculture permit to knowingly sell an aquaculture species while claiming to possess an aquaculture permit.

**CONTACTS**

Aquaculture permits (Class A and B), Bait Dealer and Collector permits, and White Amur permits are issued annually by the Division of Wildlife through its district and Lake Erie offices, and applications may be obtained from and returned to the following locations:

**Wildlife District One** ..... (614) 644-3925  
1500 Dublin Road • Columbus, OH 43215

**Wildlife District Two** ..... (419) 424-5000  
952 Lima Avenue, Box A • Findlay, OH 45840

**Wildlife District Three** ..... (330) 644-2293  
912 Portage Lakes Drive • Akron, OH 44319

**Wildlife District Four** ..... (740) 589-9930  
360 E. State Street • Athens, OH 45701

**Wildlife District Five** ..... (937) 372-9261  
1076 Old Springfield Pike • Xenia, OH 45385

**Lake Erie Fisheries & Enforcement Units** ... (419) 625-8062  
305 E. Shoreline Drive • Sandusky, OH 44870

Fish Transportation and Wholesale permits are issued annually by the Division of Wildlife through its Lake Erie office, and applications may be obtained from and returned to the Lake Erie Enforcement Unit in Sandusky.